

EXHIBIT B

**Partially redacted January 26, 2021 AUSA letter to counsel
and attachments (including FBI lab information)**

Re: United States v. Nelson, et al.
17-CR-0533 EMC

Dear Counsel:

Please be advised of the following disclosures pursuant to Fed. R. Crim. P. 16(a)(1)(G) and your clients' prior demand for discovery. On behalf of the government, we continue to demand production of any reciprocal discovery pursuant to Fed. R. Crim. P. 16(b).

Further, in an abundance of caution, we are also providing you with notice that the government intends to call members of the Evidence Recovery Team (ERT) to testify regarding the recovery of evidence from the Fresno Clubhouse search performed on November 20, 2017. The report of the evidence collection was previously produced to you.

Should you require any additional information regarding any of the below witnesses, please inform us by **February 2, 2021**.

Supplemental Notice of Expert Opinions

Amanda Bakker, Forensic Examiner, FBI Quantico Laboratory DNA Casework Unit

The government expects to call Amanda Bakker of the FBI Quantico Laboratory to testify regarding the DNA testing and analysis reflected in her report of items recovered from 2272 South G. St, Fresno, California and the comparison between a buccal sample from Joel Silva Jr. and a hard hat (Item 352). The reports and her CV are attached.

Ms. Bakker will testify based upon her knowledge, training and experience as well as the testing performed. She will explain the types of testing that can be used to determine the presence of bodily fluids, including blood, and the methodology of such testing. She will explain the type of serological tests performed on the items recovered in this case, and opine on the results obtained. She will explain the difference between a presumptive test and a confirmatory test, and how those tests are utilized at the laboratory when serological testing is performed. She will also explain, based on her training and experience, the factors that will contribute to the inability to detect any blood on a particular item, including that there may be insufficient quantity of biological material, a lack of biological material, and/or that other substances had been used to clean or dilute biological material.

Ms. Bakker will also testify regarding the DNA analysis that was conducted on the hard hat (Item 352). She will explain the methodology behind DNA testing generally, and the comparisons of evidence that can be made against known DNA of a particular individual and the ability of the testing to detect major contributors. She will explain that the hard hat was swabbed for DNA and no DNA or sex typing results were obtained and therefore no comparisons could be made. She will testify regarding the ability to recover material suitable for DNA testing, and the factors that may contribute to why DNA suitable for comparison may not be obtainable from certain items such as a hard hat, to include the passage of time, the frequency of use, and the manner in which DNA may or may not be left by a particular individual.

Other Witnesses

The government intends to call as witnesses various government employees who will testify regarding various aspects of their employment. Because these witnesses possess

knowledge, that is arguably specialized, the government is providing the following disclosures regarding their anticipated testimony.

Evidence Response Team

The government expects to present testimony from the evidence response team that processed the search of the Hells Angels Fresno Clubhouse on November 20, 2017, as documented in report of the same previously disclosed to you. Members of the team will describe the process typically used to process crime scenes, including the steps that may be taken to analyze a scene, collect evidence, document evidence, as well as the tools and/or techniques that may be utilized to assist in processing a scene for evidence.

Members of the team will describe how the scene at the Fresno clubhouse was processed on November 20, 2017, as reflected in the report. They will describe their analysis and plan of how to process the scene based on what their observations of the location and their training and experience. They will describe and explain the tools that were utilized to process the scene, which included presumptive blood testing and Luminol testing. They will explain, based on their training and experience, what they did to perform the tests that day and what they observed regarding the test results. They will also explain, based on their training and experience, their understanding of what the presumptive test results they observed means, their subsequent actions in response and how to preserve evidence to send to a laboratory for additional testing.

Sincerely,

DAVID L. ANDERSON
United States Attorney

/s/

AJAY KRISHNAMURTHY

LINA Y. PENG

KEVIN J. BARRY

Assistant United States Attorneys

Encls.

CURRICULUM VITAE

Updated: December 2020

Amanda N. Bakker
DNA Casework Unit
Federal Bureau of Investigation Laboratory
2501 Investigation Parkway
Quantico, Virginia 22135

(Redacted)

EDUCATION

2015	Coursework in Molecular Biology Virginia Tech, Blacksburg, VA
2014	Coursework in Biochemistry University of California, Berkeley
2007	Bachelor of Science in Biology Salisbury University, Salisbury, MD

EXPERIENCE

March 2015 – Present	Forensic Examiner, DNA Casework Unit FBI Laboratory, Quantico, VA <u>Training:</u> ~2 year training program consisting of lectures, oral board examinations, moot court examinations, and competency test
January 2009 – March 2015	Biologist, Nuclear DNA Unit FBI Laboratory, Quantico, VA <u>Training:</u> Two ~5 month training programs consisting of lectures, mock casework, and competency tests
November 2007 – January 2009	Clerical II/Records Examiner, DNA Analysis Unit I Federal Convicted Offender Program Forfeiture Support Associates, FBI Laboratory, Quantico, VA <u>Job Duties:</u> Received and checked-in DNA collection kits of known individuals from law enforcement agencies

MEETINGS/CONFERENCES ATTENDED

September 2019	International Symposium on Human Identification Palm Springs, CA
September 2018	Applied Biosystems' HID Future Trends in Forensic DNA Technology Seminar Washington, D.C.
February 2013	American Academy of Forensic Science 65 th Annual Scientific Meeting Washington, D.C.
August 2011	Applied Biosystems' HID Future Trends in Forensic DNA Technology Seminar Tyson's Corner, VA
June 2010 June 2009	National Institute of Justice Conference Arlington, VA
November 2009	15th Annual Combined DNA Index System (CODIS) Conference Crystal City, VA
January 2009 July 2008	Scientific Working Group on DNA Analysis Methods (SWGDM) Meeting Fredericksburg, VA

LECTURES PRESENTED

2020-2015: 25 sessions	Basic Field Training Course Laboratory Discovery Workshop Quantico, VA
January 2020 May 2017	Laboratory Evidence Response Basic Serology and DNA Fredericksburg, VA
April 2016	Evidence Response Team Serology and DNA Fredericksburg, VA

CONTINUING EDUCATION

April 2020 November 2015	Quality Assurance Standards/Auditor Training. CODIS Quantico, VA
February 2020	Quantifiler Trio Lecture Quantico, VA
October 2019 September 2019	Overview of NGS Chemistries and platform Quantico, VA
May 2019	The Y-HRD Database: How It Works and How To Use It In Casework Webcast Lecture by Dr. Lutz Roewer Quantico, VA
August 2018	Likelihood Ratios in Forensic Science Quantico, VA
July 2018	Using probabilistic theory to develop mixture interpretation guidelines for Y-STR profiles Lecture by Shawn Montpetit, TL – San Diego, PD Quantico, VA
September 2017	Advanced STRmix Training by Dr. Jo-Anne Bright Quantico, VA
July 2017	Likelihood Ratios in DNA Mixtures Interpretation Lecture by Steven Myers, California Department of Justice Quantico, VA
December 2016	Advanced STRmix Training by Dr. Jo-Anne Bright Quantico, VA
November 2016	Globalfiler PCR Amplification Kit/3500 Genetic Analyzer and STRmix Validation Lecture Quantico, VA
October 2016	Globalfiler PCR Amplification Kit/3500 Genetic Analyzer Validation Lecture Quantico, VA

August 2016	3500 Genetic Analyzer and Globalfiler PCR Amplification Kit Lecture provided by Thermo Fisher Scientific Quantico, VA
May 2016	Presentation Skills Course Training by Andrea Jeremiah, OTD Quantico, VA
October 2015	Probabilistic Genotyping-STRmix Training by Dr. John Buckleton and Dr. Jo-Anne Bright Quantico, VA
April 2013	DNA Mixture Interpretation Workshop National Institute of Standards and Technology Webinar Quantico, VA
August 2012	Serology and Semen Testing Validation and Workflow Training Quantico, VA
February 2012	Prostate Specific Antigen Study Presentation Quantico, VA
June 2011	American Society of Crime Laboratory Directors/Laboratory Accreditation Board – Internal Auditor Training Woodbridge, VA

TESTIMONY EXPERIENCE – 16 testimonies, 2 Depositions

Discipline: Nuclear DNA and/or Serology

December 2020	United States v. Michael Hari District of Minnesota
October 2020	United States v. Donte Dingle District of Maryland
February 2020	United States v. Keith Bernard Miller Southern District of Florida
July 2019	United States v. Lessie Earl Proctor Southern District of Florida
June 2019	United States v. Brendt Christensen Central District of Illinois

May 2019	State of Florida v. Zavion Alahad Circuit Court of the 17 th Judicial Circuit in and for Broward County Florida
March 2019	United States v. Adrian Hardy, et al Southern District of Florida
January 2019	State of Iowa v. Curtis Cortez Jones Iowa District Court for Johnson County
November 2018	People of the Virgin Islands v. Uric A. Smith, Jr. Superior Court of the Virgin Islands Division of St. Thomas and St. John
October 2018	United States v. Robbie Catchings Central District of California
September 2018	State of Florida v. Zavion Alahad Deposition Circuit Court for Broward County
August 2018	United States v. Christopher Leon Weckman Southern District of Iowa
May 2018	State of Iowa v. Curtis Cortez Jones Deposition Iowa District Court for Johnson County
May 2018	United States v. William Alberto Arocha, Jr. District of Montana
January 2018	United States v. Alonzo Marvon Gibbs Southern District of Iowa
December 2017	United States v. Jack William Morgan District of Nevada
June 2017	Unites States v. Kalolo Nathaniel Iu District of North Dakota
June 2017	United States v. Rajkumar Panneer Selvam Southern District of Florida

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FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

4940 Fowler Road
Huntsville, Alabama 35898

LABORATORY REPORT

To: McCarrell A. Crumrine
San Francisco

Date: September 27, 2018

Case ID No.: SF-5626535

Lab No.: 2018-00479-8

Communication(s): January 24, 2018; January 25, 2018

Agency Reference(s):

Subject(s): Hells Angels Motorcycle Club; Raymond Michael Foakes; Jonathan Joseph Nelson; Joshua Leo Johnson; Russell Allen Lyles, Jr.; Damien David Cesena; Troy D. Conte

Victim(s):

Discipline(s): DNA

FBI Laboratory Evidence Designator(s):

- Item 33 Hammer from area near door in Room A of 2273 South G St. (1B494, E5859936)
- Item 34 Hammer from box on floor in Room A of 2273 South G St. (1B495, E5859937)
- Item 35 Knife from wall near door in Room D of 2273 South G St. (1B518, E5859960)
- Item 41 Knife from wall in Room D of 2273 South G St. (1B519, E5859961)
- Item 42 Knife with sheath from wall in Room C of 2273 South G St. (1B523, E5859965)
- Item 43 Hammer from wall near door in Room A of 2273 South G St. (1B492, E5859934)
- Item 44 Hammer from wall near door in Room A of 2273 South G St. (1B493, E5859935)
- Item 45 Hammer from couch in Room D of 2273 South G St. (1B530, E5859972)
- Item 56 Swab from rear hinge area on outside of coffin in Room H of 2273 South G St. (1B674, E5539304)
- Item 57 Swab from rear hinge area on outside of coffin in Room H of 2273 South G St. (1B674, E5539304)
- Item 58 Swab from rear hinge area on outside of coffin in Room H of 2273 South G St.

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- (1B674, E5539304)
- Item 59 Swab from rear hinge area on outside of coffin in Room H of 2273 South G St. (1B674, E5539304)
- Item 60 Swab from rear hinge area on outside of coffin in Room H of 2273 South G St. (1B674, E5539304)
- Item 61 Swab from rear hinge area on outside of coffin in Room H of 2273 South G St. (1B674, E5539304)
- Item 62 Swab from top left hinge side of inside of coffin lid in Room H of 2273 South G St. (1B674, E5539304)
- Item 63 Swab from right hinge side of inside of coffin lid in Room H of 2273 South G St. (1B674, E5539304)
- Item 91 Hammer from table in Room O of 2273 South G St. (1B609, E5545051)
- Item 103 Three swabs from top inside of casket in Room H of 2273 South G St. (1B635, E5539248)
- Item 104 Two swabs from bottom inside of casket in Room H of 2273 South G St. (1B635, E5539248)
- Item 105 Swab from brick area near stairs of stage area in Room G of 2273 South G St. (1B635, E5539248)
- Item 106 Swab from front brick floor crack in stage area in Room G of 2273 South G St. (1B635, E5539248)
- Item 107 Two swabs from wood panel on front of stage in Room G of 2273 South G St. (1B635, E5539248)
- Item 110 Two swabs from wall near stage in Room G of 2273 South G St. (1B636, E5539247)
- Item 111 Seven swabs from stage floor in Room G of 2273 South G St. (1B636, E5539247)
- Item 136 Swab from wood panel on left side of stage in Room G of 2273 South G St. (1B636, E5539247)
- Item 138 Axe from wall in Room C of 2273 South G St. (1B596, E5545038)

The items listed above were subjected to serological testing.

RESULTS OF SEROLOGICAL EXAMINATIONS:

Items 33, 34, 43, 44, 45, and 91 (hammers)

Items 33, 34, 43, 44, 45, and 91 were examined for the presence of blood; however, none was detected.¹

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Items 35, 41, 42 (knives) and 138 (axe)

Items 35, 41, 42, and 138 were examined for the presence of blood; however, none was detected.¹

Items 56, 57, 58, 59, 60, 61, 62, and 63 (swabs from coffin)

Items 56, 57, 58, 59, 60, 61, 62, and 63 were examined for the presence of blood; however, none was detected.¹

Items 103 and 104 (swabs from casket)

Items 103 and 104 were examined for the presence of blood; however, none was detected.¹

Items 105, 106, 107, 110, 111, and 136 (swabs from stage area)

Items 105, 106, 107, 110, 111, and 136 were examined for the presence of blood; however, none was detected.¹

No other serological examinations were conducted.

Methods/Limitations:

The following methods and limitations apply to the results/conclusions provided in the results section(s) of this report and are referenced by number in the body of the text for clarity.

¹ This conclusion is based on the result of the phenolphthalin test. Insufficient quality and/or quantity of biological material may affect the ability to detect blood.

REMARKS:

Additional evidence is pending serological and/or nuclear DNA examinations and will be the subject of a separate report.

The work described in this report was conducted at the Quantico Laboratory. The results will be maintained by the FBI Laboratory for possible future comparisons. This report contains the opinions and interpretations of the issuing examiner and is supported by records retained in the FBI file. The submitted items will be returned to you under separate cover. For questions about the content of this report, please contact Forensic Examiner Amanda N. Bakker at Redacted Redacted For questions about the status of your submission, including any remaining forensic examinations, please contact Rebecca Reynolds at (703) 632-7600.

Amanda N. Bakker
DNA Casework Unit

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7-1 LIMS (Rev. 10-2-17)

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FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

4940 Fowler Road
Huntsville, Alabama 35898

LABORATORY REPORT

To: McCarrell A. Crumrine
San Francisco

Date: December 13, 2018

Case ID No.: SF-5626535

Lab No.: 2018-00479-16

Communication(s): January 24, 2018

Agency Reference(s):

Subject(s): Hells Angels Motorcycle Club; Raymond Michael Foakes; Jonathan Joseph Nelson; Joshua Leo Johnson; Russell Allen Lyles, Jr.; Damien David Cesena; Troy D. Conte

Victim(s):

Discipline(s): DNA

FBI Laboratory Evidence Designator(s):

Item 64 Inner lining from coffin in Room H of 2273 South G St. (1B670, E5539300)
Item 95 Railing from stage in Room G of 2273 South G St. (1B623, E5539260)
Item 137 Piece of wood from stage stairs in Room G of 2273 South G St. (1B591, E5545033)

The items listed above were subjected to serological testing.

RESULTS OF SEROLOGICAL EXAMINATIONS:

Items 64 (inner lining from coffin), 95 (railing from stage), and 137 (piece of wood from stage stairs)

Items 64, 95, and 137 were examined for the presence of blood; however, none was detected.¹

No other serological examinations were conducted.

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Methods/Limitations:

The following methods and limitations apply to the results/conclusions provided in the results section(s) of this report and are referenced by number in the body of the text for clarity.

¹ This conclusion is based on the result of the phenolphthalin test. Insufficient quality and/or quantity of biological material may affect the ability to detect blood.

REMARKS:

The work described in this report was conducted at the Quantico Laboratory. The results will be maintained by the FBI Laboratory for possible future comparisons. This report contains the opinions and interpretations of the issuing examiner and is supported by records retained in the FBI file. The submitted items will be returned to you under separate cover. For questions about the content of this report, please contact Forensic Examiner Amanda N. Bakker at Redacted Redacted. For questions about the status of your submission, including any remaining forensic examinations, please contact Rebecca Reynolds at (703) 632-7600.

Amanda N. Bakker
DNA Casework Unit

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FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

4940 Fowler Road
Huntsville, Alabama 35898

LABORATORY REPORT

To: Bill Harm
TFO
San Francisco

Date: March 28, 2019

Case ID No.: SF-5626535

Lab No.: 2018-00479-20

Communication(s): January 24, 2018; March 5, 2018

Agency Reference(s):

Subject(s): Hells Angels Motorcycle Club; Raymond Michael Foakes; Jonathan Joseph Nelson; Joshua Leo Johnson; Russell Allen Lyles, Jr.; Damien David Cesena; Troy D. Conte

Victim(s):

Discipline(s): DNA

FBI Laboratory Evidence Designator(s):

Item 10	Hammer with sticker from cabinet in Room E of 516 Frazier Ave. (1B294, E5539167)
Item 11	Whip from wall in Room H of 516 Frazier Ave. (1B311, E5539184)
Item 12	Whip from wall in Room H of 516 Frazier Ave. (1B312, E5539185)
Item 46	Hammer from display case in Room L of 9149 Windsor Rd. (1B185, E5539127)
Item 49-1	Tissue from Item 49 (vest) (1B234, E5839675)
Item 53	Hammer from shelf in Room BB of 516 Frazier Ave. (1B281, E5539154)
Item 54	Hammer from shelf in Room BB of 516 Frazier Ave. (1B282, E5539155)
Item 55	Whip from closet in Room P of 4066 Streamside Dr. (1B144, E5523695)
Item 85	Whip from under desk in Room E of 4066 Streamside Dr. (1B143, E5523694)
Item 96	Piece of wood with tape from Room E of 1092 Camino Coronado (1B259, E5523756)
Item 288	Piece of tissue from front door in Room A of 1092 Camino Coronado (1B241, E5523738)
Item 315-2	Towel from hall closet in Room E of 129 Carrillo St. (1B71, E5839642)

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Item 315-3-1 Towel from Item 315-3 (case) (1B71, E5839642)

The items listed above were subjected to serological testing.

RESULTS OF SEROLOGICAL EXAMINATIONS:

Items 10 (hammer), 11 (whip), 12 (whip), 46 (hammer), 49-1 (tissue), 53 (hammer), 54 (hammer), 55 (whip), 85 (whip), 96 (piece of wood), 288 (piece of tissue), 315-2 (towel), and 315-3-1 (towel)

Blood was not detected on items 10, 11, 12, 46, 49-1, 53, 54, 55, 85, 96, 288, 315-2, and 315-3-1.¹

No other serological examinations were conducted.

Methods/Limitations:

The following methods and limitations apply to the results/conclusions provided in the results section(s) of this report and are referenced by number in the body of the text for clarity.

¹ This conclusion is based on a negative presumptive test. Insufficient quality and/or quantity of biological material may affect the ability to detect blood.

REMARKS:

The work described in this report was conducted at the Quantico Laboratory, and the results will be maintained by the FBI Laboratory for possible future comparisons. This report contains the opinions and interpretations of the issuing examiner and is supported by records retained in the FBI file. These conclusions conform to the Department of Justice Uniform Language for Testimony and Reports for Forensic Serological Examinations. For questions about the content of this report, please contact Forensic Examiner Amanda N. Bakker at Redacted. For questions about the status of your submission, including any remaining forensic examinations, please contact Rebecca Reynolds at (703) 632-7600. The submitted items will be returned to you under separate cover.

Please allow a minimum of thirty days from the date of a discovery request for the FBI Laboratory to provide the related materials. The FBI cannot ensure timely delivery of discovery requests received in less time.

Amanda N. Bakker
DNA Casework Unit

7-1 LIMS (Rev. 10-2-17)

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FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

4940 Fowler Road
Huntsville, Alabama 35898

LABORATORY REPORT

To: Ann A. Trombetta
San Francisco

Date: May 19, 2020

Case ID No.: SF-5626535

Lab No.: 2018-00479-29

Communication(s): February 21, 2020

Agency Reference(s):

Subject(s): Hells Angels Motorcycle Club; Raymond Michael Foakes; Jonathan Joseph Nelson; Joshua Leo Johnson; Russell Allen Lyles, Jr.; Damien David Cesena; Troy D. Conte

Victim(s):

Discipline(s): DNA

FBI Laboratory Evidence Designator(s):

Item 351 Buccal sample from Joel Silva Jr (1B982, E5545756; SRPD Item 56)

Item 352 Hard hat (1B756, E5523805)

The items listed above were subjected to nuclear deoxyribonucleic acid (DNA) analysis.¹

RESULTS OF NUCLEAR DNA EXAMINATIONS:

Item 352(1) (swabbing of inside band, straps and textured portion of dial of hard hat)

No DNA or sex typing results² were obtained from item 352(1); therefore, no comparisons can be made.

Database Entry Information:

The DNA results for item 351 will be entered into the Relatives of Missing Persons Index of the Combined DNA Index System (CODIS).

No other nuclear DNA examinations were conducted.

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Methods/Limitations:

The following methods and limitations apply to the results/conclusions provided in the results section(s) of this report and are referenced by number in the body of the text for clarity.

¹ DNA analysis was performed using the Quantifiler™ Trio DNA Quantification Kit for the quantitation of human DNA and the GlobalFiler™ and/or AmpFSTR® Yfiler™ PCR Amplification Kits for the DNA typing of short tandem repeats (STRs). The Y-STR loci are located on the male Y-chromosome and are transmitted through a paternal lineage from father to son. Barring mutation, all males in the same paternal lineage have the same Y-STR typing results. A paternal lineage consists of those male relatives to whom the same Y-chromosome has been transmitted from a common ancestor.

² Insufficient DNA quality and/or quantity can affect the ability to generate a result and is not an absolute determination that an individual did not come into contact with an item of evidence.

REMARKS:

In order for more effective searching in the National DNA Database (NDIS), a sample from an additional relative should be submitted. It is preferable to submit a sample from any maternal relative. A portion of item 351 was retained in the National Missing Person DNA Database Repository for possible future testing. Archive samples will be retained by the FBI Laboratory until an association is made. Archive samples will be returned to the contributor if requested.

The work described in this report was conducted at the Quantico Laboratory, and the results will be maintained by the FBI Laboratory for possible future comparisons. This report contains the opinions and interpretations of the issuing examiner and is supported by records retained in the FBI Laboratory file. These conclusions conform to the Department of Justice Uniform Language for Testimony and Reports for Forensic Autosomal DNA Examinations Using Probabilistic Genotyping Systems and for Forensic Y-STR DNA Examinations. For questions about the content of this report, please contact Forensic Examiner Amanda N. Bakker at [Redacted]. For questions about the status of your submission, including any remaining forensic examinations, please contact Rebecca Reynolds at (703) 632-7600.

The submitted items will be returned to you under separate cover. In addition to the evidence in the case, secondary evidence was generated that will also be returned to you. The secondary evidence can be found in a package marked DNA Secondary Evidence.

Please allow a minimum of thirty days from the date of a discovery request for the FBI Laboratory to provide the related materials. The FBI cannot ensure timely delivery of discovery requests received in less time.

Amanda N. Bakker
DNA Casework Unit

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